

REMARKS

Claims 4-6, 15, 17 and 18 are presented for consideration, with claim 15 being independent.

Independent claim 15 has been amended to further distinguish Applicants' invention from the cited art. Support for the claim changes can be found, for example, beginning on page 5, line 26 of the specification.

Initially, Applicants respectfully request withdrawal of U.S. Patent Application Publication No. 2006/0087489, to Sakurai, as prior art. Sakurai '489 has a publication date of April 27, 2006, which is subsequent to Applicants' U.S. filing date of July 12, 2005. Sakurai's PCT application, i.e., PCT/JP03/09025, was filed on July 16, 2003, but was not filed in English and therefore does not constitute prior art. It is noted that Sakurai has a related International Application, i.e., WO 2004/008239, which constitutes prior art as of its publication date of January 22, 2004. This International application is being provided with a Second Supplemental Information Disclosure Statement filed concurrently herewith for the Examiner's convenience.

Claims 4, 15, 17 and 18 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Sakurai '489. In addition, Claims 5 and 6 are rejected under 35 U.S.C. §103 as allegedly being obvious over Sakurai in view of Ikeda '521. These rejections are respectfully traversed.

Claim 15 of Applicants' invention relates to an electrophoresis display apparatus comprised of a first substrate and a second substrate arranged with a predetermined gap in between, and an insulating liquid and a plurality of charged particles enclosed in the gap between the first and second substrates, providing a pixel. A first electrode is placed along the first substrate and has a first electrode display area over a relatively wide area of the pixel, and a

second electrode has a voltage applied therebetween and the first electrode, with the display apparatus carrying out a display by applying a voltage to these electrodes and moving the charged particles. The first electrode borders the second electrode at a border portion, and the charged particles are colored in a color. Additionally, a colored layer having the same color as the charged particle is formed in the area of the second electrode and the border portion. As amended, the colored layer covers part of the first electrode display area of the first electrode, and the first electrode display area covers the colored layer and an area of the first electrode uncovered by the covered layer.

In accordance with Applicants' invention, a high performance display apparatus can be provided.

The Sakurai publication relates to an image display that includes first and second substrates, 11, 12, having therebetween an insulating liquid and charged particles 15. The display also includes a display electrode 13, an opposed electrode 14, and a colored plate 17. Insulation number 18 can be disposed between the electrodes as shown, for example, in Figures 4a through 4c.

In contrast to Claim 15 of Applicants' invention, however, Sakurai does not teach or suggest, among other features, a colored layer having the same color as the charged particles that covers part of a first electrode display area and a first electrode display area that covers the colored layer and an area of the first electrode uncovered by the colored layer. It is submitted, therefore, Sakurai fails to anticipate or render obvious Applicants' claimed invention.

Accordingly, reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. §102(b) is respectfully requested.

The secondary citation to Ikeda relates to a electrophoretic display device and is relied on for its teaching of a second electrode provided on a support member. In Ikeda, an electrode 7 can be placed on a cell wall 3. Ikeda fails, however, to compensate for the deficiencies in Sakurai with respect to Claim 15 as discussed above.

Accordingly, reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. §103 is respectfully requested.

Thus, Applicants submit that the invention as set forth in independent claim 15 is patentable over the cited art. Dependent claims 4-6, 17 and 18 set forth additional features of Applicants' invention, and are patentable at least owing to their respective dependencies. Independent consideration of the dependent claims is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Scott D. Malpede/

Scott D. Malpede
Attorney for Applicants
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

SDM/vnm

FCIS_WS 4555577v1